

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

)	Civil Action No. 05–10153-MEL
SYSKOPLAN CONSULTING INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
ADVANCED MICRO DEVICES)	
INC.,)	
)	
Defendant.)	
)	

PLAINTIFF'S MOTION TO REMAND (ASSENTED TO)

Pursuant to 28 U.S.C. § 1447(c), plaintiff Syskoplan Consulting Inc. (“Syskoplan”)

moves for an order remanding this action to the Massachusetts Superior Court. In support of

this motion, Syskoplan states:

1. Syskoplan filed a complaint against AMD in the Middlesex Superior Court of the Commonwealth of Massachusetts, on January 5, 2005. In its complaint, Syskoplan described both itself and AMD as Delaware corporations. (See Complaint, ¶¶ 2-3, attached as Exhibit 1.)

2. In its Answer dated January 25, 2005, AMD admitted that it is a Delaware corporation. (See Answer, ¶ 3, attached as Exhibit 2.)

3. On January 27, 2005, AMD removed Syskoplan’s complaint to the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. § 1332(a), claiming that Syskoplan and AMD “are citizens of different States.” (Notice of Removal, ¶ 1, attached as Exhibit 3).

4. Pursuant to 28 U.S.C. § 1332(c)(1), a corporation is “deemed to be a citizen of any State by which it has been incorporated” Because both Syskoplan and AMD are incorporated in the state of Delaware, they are not citizens of different states.

5. Because jurisdiction pursuant to 28 U.S.C. § 1332(a) is improper, and AMD has not raised any other basis for removal, this Court lacks subject matter jurisdiction.

For the foregoing reasons, Syskoplan respectfully requests that this Court grant its Motion to Remand.

SYSKOPLAN CONSULTING INC.

By its attorneys,

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ASSENTED TO:

ADVANCED MICRO DEVICES INC.

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